



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

ZACHARY W. CARTER  
Corporation Counsel

HALEY STEIN  
phone: 212-356-2320  
fax: 212-356-1148  
email: hstein@law.nyc.gov

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Via Email

Mr. Joel Singerman  
Acting Remedial Project Manager  
U.S. Environmental Protection Agency  
290 Broadway –20<sup>th</sup> Floor  
New York, NY 10007-1866  
Singerman.Joel@epa.gov

**Re: Wolff-Alport Draft Remedial Investigative Report**

Dear Mr. Singerman:

The City of New York (“City”) submits the following comments on the United States Environmental Protection Agency’s (“EPA”) Draft Remedial Investigative Report (“Draft RI”) for the Wolff-Alport Chemical Company Site (“Wolff-Alport” or “Site”). The City incorporates by reference its previous submissions relating to the Site, including its May 12, 2016 letter re: *Wolff-Alport Screening Criteria for the RI*; August 16, 2016 letter re: *EPA’s Draft Ecological Screening Evaluation Technical Memorandum*; and December 2, 2016 letter re: *Wolff-Alport Draft Human Health Risk Assessment Report*. The City appreciates this opportunity to comment on this draft document and requests that these comments be included in the administrative record for the Site.

Overall, the Draft RI presents a comprehensive and systematic assessment of site data that the City believes is sufficient to evaluate and select remediation standards and applicable technologies and to support development of remedial alternatives in the Feasibility Study (“FS”) and preparation of a Record of Decision (“ROD”). The City requests that EPA consider the following comments in preparing the Final RI.

## Executive Summary

The section describing the nature and extent of contamination of building materials on page ES-5 identifies a maximum concentration of 415.2 pCi/gram without identifying the isotope for which the concentration result represents. The isotope should be identified.

### Section 1.2.1

The City recommends that the RI include a more detailed description of prior owners and uses of the parcels comprising and adjacent to the Site to help determine if any of these prior uses contributed to the Site's non-radiological contamination. This information should include materials used and historical manufacturing processes located at these sites and the potential impact from these uses.

### Section 2.4.5

The City requests that the title of Section 2.4.5 be changed from "Sewer Discharge Sediment Sampling" to the more accurate "Newtown Creek Sediment Sampling" since this section discusses sediment samples that include a mixture of known and unknown solid sources that are not limited to CSO discharges.

### Section 6.1.2

The Exposure Assessment should indicate whether recommended EPA calculators were used to establish the preliminary remediation goals and soil screening levels used to determine risk estimates for site receptors.

### Section 6.1.5

The inclusion of Potassium-40 as a risk contributor to on-site receptors is contrary to EPA guidance. Potassium-40 is a naturally occurring radionuclide and there is no indication that its presence at the Site is related to Site activity and, moreover, its on-site sample results are within the range of background concentrations. EPA guidance provides that constituents of potential concern that are not site-related and are within background levels are generally not relevant to risk determinations. *See* OSWER 9285.6-20 "Radiation Risk Assessment at Superfund Sites: Q&A. section VI, Background Radiation, Q40"; OSWER 9285.6-07P "Role of Background in the CERCLA Cleanup Program." Further, while risk estimates associated with background concentrations of site radionuclides of concern should be identified, they should not be relied upon in determining site exposure estimates (with the exception of Rn). Therefore, Potassium-40 should not be included as a risk contributor because there is no indication that its presence is site-related or that it exceeds background concentrations.

## ***Conclusion***

The City appreciates the opportunity to comment on the Draft RI, and looks forward to continuing to work with EPA and others to address historic contamination at the Site.

Sincerely yours,

/s/

Haley Stein  
Assistant Corporation Counsel

cc: Jean Regna